

REMARKS/ARGUMENTS

In the specification, the paragraph beginning at page 2, line 25, has been amended to correct a minor editorial problem. In particular, reference numeral "11" at page 3, line 10, of the specification has been changed to reference numeral "22" to be consistent with FIG. 1. Approval of the above change to the specification is respectfully requested.

The drawings are objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because they do not include reference numeral "26" mentioned in the specification. In amended FIG. 3, reference numeral "22" has been changed to reference numeral "26" to be consistent with page 6, lines 9 and 10, of the specification. Reconsideration and withdrawal of the 37 C.F.R. §1.84(p)(5) objection to the drawings are respectfully requested.

Claims 1 through 21 remain in this application. Claims 5, 6, 16 and 17 have been amended.

Claims 5, 6, 16 and 17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 5, 6, 16, and 17 have been amended to remove the word "about" from these claims. Reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph, rejection of these claims are respectfully requested.

Claims 1, 5 through 12, and 16 through 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0184089A1 to Tsou, et al.

("Tsou, et al. publication") in view of U.S. Patent No. 6,636,872 to Heath, et al. ("Heath, et al. patent"). Also, claims 2 through 4, and 13 through 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Tsou, et al. publication in view of the Heath, et al. patent and U.S. Patent Application Publication No. 2002/0129103A1 to Birkler, et al. ("Birkler, et al. publication"). Applicants hereby submit a Declaration to establish conception in the United States of the claimed subject matter in the referenced patent application and diligence to the filing of the referenced patent application prior to the effective date of the Tsou, et al. publication and the Birkler, et al. publication. Therefore, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejections of claims 1 through 21 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.


The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any

questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
Smith, Dwight Randall, et al.

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08/19/04

Date

Attachments: Annotated Marked-Up Drawings

Declaration Under 37 C.F.R. §1.131



<IM CLIENT C>,<UNAVAILABLE>
 <IM CLIENT L>,<AVAILABLE>
 <IM CLIENT F>,<UNAVAILABLE>

FROM/TO ACCESS
 PORTAL STORAGE
 DEVICE

26-22

48

IM CLIENT A DATA

IM CLIENT C
 DIFFERENCE
 DATA

54

50

52

IM CLIENT A DATA

TO
 TRANSCIVER

IN FROM
 SERVER

<IM CLIENT C>,<AVAILABLE>

<IM CLIENT C>,<UNAVAILABLE>
 <IM CLIENT L>,<AVAILABLE>
 <IM CLIENT F>,<UNAVAILABLE>

FIG. 3